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Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

June 23, 2015

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday June 23, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Cindy Moore, Vice Chairperson of the Board**, called the meeting to order at 9:30 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Excused
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Excused
KAREN WILK, P.T.	Present

Also present were: **Carmen Rodriguez, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical and Medical and Jessica Fulmino, PT

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF MAY 26, 2015 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the May 26, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 50 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from Cross Country Education
RE: Course, "Therapeutic Pilates for Rehabilitation Professionals"
- Change in Lecturer

Cross Country Education advised the Board that the approved course, "Therapeutic Pilates for Rehabilitation Professionals" will be given with a new course lecturer and provided a copy of Patricia McDonald Garrard's Curriculum Vitae for its review.

A motion was made by Karen Wilk and seconded by Mary Browne to request that Cross Country Education provide the Board with a list of continuing education courses that Ms. Garrard has completed and taught within the past five years as this information was not included in her Curriculum Vitae. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Eugene Ketselman, PT
RE: Outpatient Physical Therapy Services

Mr. Ketselman inquired about laws and regulations that are associated with offering independent outpatient physical therapy services.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to inform Mr. Ketselman that he must adhere with the statutes and regulations governing his or her practice of physical therapy in the State of New Jersey. There may be other statutes and regulations in the State of New Jersey or requirements that may apply to these types of services and the physical therapist will need to also adhere to those laws and regulations. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Nancy Altshuler, PT
RE: Documentation

Ms. Altshuler inquired whether a physical therapist must sign every page of an Individualized Education Program (IEP) or if one signature is sufficient.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Ms. Altshuler that one signature on the IEP is sufficient. The Board will remind Ms. Altshuler that all other documentation must be in compliance with N.J.A.C. 13:39A-3.1 *Patient Records*. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from John J. Ribarich
RE: Restrictive Covenants

Mr. Ribarich wrote the Board concerning restrictive covenants within a contract and how the principals of the agreement may apply to physical therapists.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to inform Mr. Ribarich that contractual agreements are not within the Board's jurisdiction. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Nadine Kuster
RE: Documentation

Ms. Kuster inquired whether a physical therapist or physical therapist assistant must sign his or her name on documentation exactly as it appears on his or her license. If a licensee's name is Debra, could the licensee sign as Debbie?

A motion was made by Karen Wilk and seconded by Barbara J. Behrens to advise Ms. Kuster that the licensee must sign their name on documentation exactly as it appears on his or her license. A vote was taken and the motion carried by a unanimous vote.

- G. Inquiry from Ashley Mak, PT
RE: Fitness Coaching

Ms. Mak inquired whether she could provide online fitness coaching even though the workouts do not have a therapeutic benefit.

A motion was made by Barbara J. Behrens and seconded by Mary Browne to advise Ms. Mak that she must adhere with the statutes and regulations governing his or her practice of physical therapy in the State of New Jersey with every patient/client interaction, which includes performing an evaluation and maintaining contemporaneous, permanent patient records for each person. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Ottobock
RE: Course "Stance Control to Orthotronic Mobility C Brace"
- Change in Lecturer

Ottobock advised the Board that the approved course, "Stance Control to Orthotronic Mobility C Brace" will be given with a new course lecturer and provided a copy of Kevin Lysaght's Curriculum Vitae for its review.

A motion was made by Karen Wilk and seconded by Jean Bickal to request that Ottobock provide the Board with a list of continuing education courses that Mr. Lysaght has completed and taught within the past five years as this information was not included in his Curriculum Vitae. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from the Institute for Continuing Education
RE: Course "Practical Sign Language"
- Change in Lecturer

The Institute for Continuing Education advised the Board that the approved course, "Practical Sign Language" will be given with a new course lecturer and provided a copy of Kathy Walton's Curriculum Vitae for its review.

A motion was made by Jean Bickal and seconded by Barbara J. Behrens to request that the Institute for Continuing Education provide the Board with a list of continuing education courses that Ms. Walton has completed and taught within the past five years as this information was not included in her Curriculum Vitae. A vote was taken and the motion carried by a unanimous vote.

- J. Letter from Lymphedema Seminars
RE: Course "Networking & Education Seminar for Lymphedema Therapists"

Ms. Crotzer, Director of Lymphedema Seminars, wrote the Board concerning her experience with the Board's approval process. Ms. Crotzer asked for a refund of the \$100.00 administrative fee as the review and approval process was not provided in a timely manner. Ms. Crotzer also noted that the language on the approval letter was not clear.

The Board noted that Lymphedema Seminars submitted their application in February and received an approval in April.

A motion was made by Barbara J. Behrens to deny Ms. Crotzer's refund request. The \$100.00 administrative fee is non-refundable and the review/approval process was completed. A vote was taken and the motion carried by a unanimous vote.

A motion was made by Barbara J. Behrens and seconded by Karen Wilk to change some of the language on the approval letters. The new language, *"Approval is pending ratification of the action by the Board of Physical Therapy at its next regularly scheduled meeting. After ratification by the Board, the approval will be posted on the Board of Physical Therapy Examiners' course approval list on its website"*. A vote was taken and the motion carried by a unanimous vote.

- K. Letter from Siddharth N. Ghosh
RE: Test of English as a Foreign Language

Mr. Ghosh asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as he is a licensed physical therapist in New York and received a Master's degree in Athletic Training from Long Island University.

Mr. Ghosh received his physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Mr. Ghosh's waiver request. Mr. Ghosh must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as he received his entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

- L. Letter from Sheryl Anne M. Bompat
RE: Test of English as a Foreign Language

Ms. Bompat asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as English was the medium language used in the Philippines during her course of study and she also worked in Canada where the English language was used.

Ms. Bompat received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Mr. Bompat's waiver request. Ms. Bompat must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

- M. New Jersey State Board of Physical Therapy Examiners August 25, 2015
Board Meeting

A motion was made by Nancy Kirsch and seconded by Jean Bickal to cancel the New Jersey State Board of Physical Therapy Examiners August 25, 2016 Board Meeting due to a lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

- N. Letter from Deloria Chambers
RE: Test of English as a Foreign Language

Ms. Chambers asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as English is the native language in Jamaica.

Ms. Chambers received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Ms. Chambers' waiver request. Ms. Chambers must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

- O. Letter from Magdalena Bochenska
RE: Test of English as a Foreign Language

Ms. Bochenska asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as she is a licensed physical therapist in New York.

Ms. Bochenska received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Ms. Bochenska's waiver request. Ms. Bochenska must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

III. OLD BUSINESS

- A. Letter from Mohamed H. Nabulsi, Esq.
RE: Physical Therapy Services

Mr. Nabulsi asked the Board to advise whether it does or does not object to a proposed arrangement whereby an entity that is licensed by the New Jersey Department of Health and certified by the Centers for Medicare and Medicaid Services as a Comprehensive Outpatient Rehabilitation Facility employs a duly-licensed physical therapist to provide physical therapy services within a patient's home.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Mr. Nabulsi that the physical therapist must act independently in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and the motion carried by a unanimous vote.

- B. Federation of State Boards of Physical Therapy
Annual Meeting (October 15-17, 2015)

A motion was made by Nancy Kirsch and seconded by Jean Bickal to elect David Bertone as the third Alternate Delegate to attend the Federation of State Boards of Physical Therapy Annual meeting held on October 15-17, 2015. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from PESI
RE: Course "Advances in Orthopaedic Care: It's Not Just Broken Bones" -
Lecturer

Lori Manning informed the Board that the speaker of the course, "Advances in Orthopaedic Care: It's Not Just Broken Bones" had an emergency and could not complete the presentation. PESI would like to offer the participants a DVD recording of the same program but by a different speaker. Ms. Manning provided the Board with information concerning the new speaker.

Ms. Manning provided the Board with the Curriculum Vitae of Christina Kurkowski and a copy of the course exam as required for distance learning course submission.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to acknowledge that the qualifications of Christina Kurkowski as the lecturer of the course, "Advances in Orthopaedic Care: It's Not Just Broken Bones" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. The Board will allow the DVD recording to be offered to participants due to the circumstances. The Board will inform Ms. Manning that PESI must inform the participants that due to the emergency situation, the continuing education credits earned from DVD will not count towards the 10 maximum distance learning credits. A vote was taken and the motion carried by a unanimous vote.

IV. FOR YOUR INFORMATION

A. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed New Jersey Jurisprudence Assessment Module Statistic report and considered it informational.

Upon a motion made by Mary Browne and seconded by Nancy Kirsch, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Fourteen matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Four matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Miranalini Vimal Nathan
2. Aubrey R. Viola
3. Kathryn Mae Roa
4. Swati Gupta
5. Aditi Gode
6. Ruchi R. Shah
7. Riddhi Patel

APPLICATIONS NOT APPROVED BY THE BOARD

1. Akanksha Dwivedi
2. Deloria Chambers
3. Maria Pereira
4. Nidhi Seth
5. Vandana Singh

ADJOURNMENT

The Board returned to Public Session and a motion was made by Jean Bickal and seconded by Barbara J. Behrens to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director